

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

X
HELEN TESTAGROSE,

Plaintiff,

-against-

CITY OF NEW YORK, CHARLES E. BACON, in his individual capacity, and JOHN T. MANGAN, in his individual capacity,

Defendants.

X
STIPULATION AND ORDER
OF SETTLEMENT AND
DISMISSAL

04 CV 0699 (DGT) (KAM)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ JUL 8, 2005 ★

P.M.
TIME A.M. ~~10:00 AM~~

WHEREAS, plaintiff commenced this action by filing a complaint on or about February 17, 2004 alleging state and federal civil rights violations; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.
2. Defendant City of New York hereby agrees to pay plaintiff the sum of TWENTY THOUSAND DOLLARS (\$20,000) in full satisfaction of all claims, excluding claims for costs, expenses and attorney fees. In consideration for the payment of this sum, plaintiff agree to dismissal of all the claims against the City of New York, Charles E. Bacon, and John T.

Mangan, and to release the defendants and any present or former employees of the City of New York or any agency thereof, from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Plaintiff shall execute and deliver to defendants' attorneys all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph 2 above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York and the New York City Police Department.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
June , 2005

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By:


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By:


Deborah I. Meyer (DM0931)
Assistant Corporation Counsel

SO ORDERED:

s/David G. Trager 6/28/05
DAVID G. TRAGER, OSDJ